



*The Commonwealth of Massachusetts*  
*Department of the State Treasurer*  
*Alcoholic Beverages Control Commission*  
*Boston, Massachusetts 02114*

*Steven Grossman*  
*Treasurer and Receiver General*

*Kim S. Gainsboro, Esq.*  
*Chairman*

NOTICE OF SUSPENSION

December 7, 2011

**Pedro Velez dba Fuego Latino**  
**465 Broadway**  
**Lawrence, MA 01840**  
**License #: 05900224**  
**Heard: 09/28/2011**

After a hearing on September 28, 2011, the Commission finds Pedro Velez dba Fuego Latino in violation of M.G.L. Ch. 138 §23 (5 counts), 204 CMR 2.05 (2) and 204 CMR 2.05 (2).

The Commission **suspends the licensee's license for a total of two (2) days to be served.** The suspension shall commence on **Wednesday, January 4, 2012** and terminate on **Thursday, January 5, 2012.** The license will be delivered to the Local Licensing Board or its designee on Wednesday, January 4, 2012 at 9:00 A.M. It will be returned to the licensee Friday, January 6, 2012.

You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form. All checks must be certified and accompanied by the enclosed form, which must be signed by a Massachusetts Licensed Accountant.

You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

Kim S. Gainsboro  
Chairman

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Rose Bailey, Investigator  
Administration  
File



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**DECISION**

**Pedro Velez dba Fuego Latino**  
**465 Broadway**  
**Lawrence, MA 01840**  
**License #: 05900224**  
**Heard: 09/28/2011**

Pedro Velez dba Fuego Latino (the "Licensee") holds an all alcohol license issued pursuant to Massachusetts General Laws chapter 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Wednesday, September 28, 2011, regarding an alleged violation of M.G.L. Ch. 138 §23 (5 counts), 204 CMR 2.05 (2) and 204 CMR 2.05 (2). Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Rose Bailey's report.

The following documents are in evidence:

1. Licensee's Stipulation of Facts;
2. Report of Investigator Rose Bailey;
3. Renewal Certificate;
4. Five Bottles of Alcohol; and
5. Crowd Manager Checklist.

There is one (1) tape of this hearing.

**FACTS**

1. On Friday, June 24, 2011, at approximately 11:00 p.m., Investigators Kujawski, Doyle and Bailey entered the Pedro Velez dba Fuego Latino relative to a filed complaint with the Commission.
2. Upon entering the premises, Investigators Kujawski, Doyle and Bailey identified themselves and ask to speak with the manager or owner.
3. The bartender on duty contacted the owner.
4. The investigators spoke with the owner identified as Pedro Velez, at which time he stated he would be at the premises shortly.
5. While awaiting the arrival of Mr. Velez, Investigator Kujawski asked for and received permission to inspect the bar area.
6. Investigator Kujawski observed multiple bottles of alcohol with sticky glue like substances on the exterior.
7. Based upon our experience and training the sticky glue like substance is direct evidence that the alcoholic beverages had been purchased from a \$15 retail package store.
8. Investigator Kujawski removed the bottles from the bar area and set them aside.

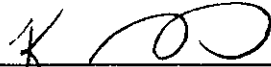
9. Investigator Bailey then conducted an interview with the security guard, identified as David Figueroa.
10. He stated he was the crowd manager this evening.
11. Investigator Bailey asked to see the daily fire and building safety checklist.
12. Investigator Bailey followed Mr. Figueroa to a room located beside the bar area in which he opened a locker and removed two (2) checklists dated 6/18/2011 and 6/24/2011 (Ex 3).
13. A review of both checklists revealed them to be incomplete. They were unsigned, crowd manager certificate number omitted and questions 11, 12, and 13 were unanswered.
14. The investigators advised Mr. Figueroa that the checklist presented were incomplete.
15. Investigator Bailey further asked to see his crowd manager certificate.
16. He stated he did not have it with him that he works as security for many clubs in Lawrence and keeps the certificate at home.
17. Investigator Bailey then asked to see all the daily fire and building safety checklist for the licensed premises.
18. He stated he didn't know where they were kept.
19. He indicated he only works here sometimes and keeps the checklists in the locker.
20. Investigator Bailey informed Mr. Figueroa the checklists provided were not acceptable.
21. Investigator Bailey recommended to Mr. Figueroa that he carry a copy of his certification in order to complete the required checklist as well as provide proof of certification upon request by local or state authorities.
22. Upon the arrival of Mr. Velez, Investigators identified themselves and informed Mr. Velez of the filed complaint with the Commission.
23. Investigator Kujawski showed Mr. Velez the alcoholic beverages bottles removed from the bar area with the sticky glue like substances on the exterior.
24. Investigator Kujawski informed Mr. Velez that the purchase of alcoholic beverages from other than those purchased under §18 or §19 or from the holder of a special permit under §22A is illegal.
25. Mr. Velez was informed that a violation report would be submitted to the Chief Investigator for review.
26. The following five (5) bottles of alcoholic beverages were taken as evidence:
  - One (1) ltr. Stolichnaya Blueberry Vodka
  - One (1) ltr. Hennessy Cognac
  - One (1) ltr. Kahlua
  - One (1) ltr. Anisette
  - One (1) ltr. Hennessy Cognac
27. Investigators left the premise without incident.
28. In addition, on June 28, 2011, the investigators reviewed the official website of the Department of Fire Safety, certified crowd manager listing, and found no evidence of an approved and issued certificate to David Figueroa.

### CONCLUSION

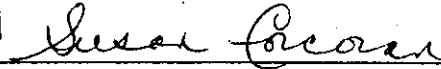
Based on the evidence, the Commission finds the licensee violated M.G.L. Ch. 138 §23 (5 counts), 204 CMR 2.05 (2) and 204 CMR 2.05 (2). Therefore, the Commission **suspends the licensee's license for a period of five (5) days on the first violation (5 counts), three (3) days on the second violation and one (1) day on the third violation for a total of nine (9) days. Of the nine days, two (2) days will be served and seven (7) days will be held in abeyance for a period of two (2) years provided no further violations of Ch. 138 or Commission Regulations occur.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kim S. Gainsboro, Chairman



Susan Corcoran, Commissioner



Dated: December 7, 2011

You have the right to appeal this decision to the Superior Courts under the provisions of Chapter 30A of the Massachusetts General Laws within thirty (30) days of receipt of this decision.

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
Rose Bailey, Investigator  
Administration  
File